

LONG-TERM CARE SUPPORTS AND SERVICES  
ADVISORY COMMISSION  
CAPITOL VIEW - LANSING, MICHIGAN  
OCTOBER 22, 2007

NOTES

**SINCE THERE WAS NO QUORUM, THIS WAS NOT AN OFFICIAL MEETING, THEREFORE, NO MINUTES WERE TAKEN**

**COMMISSIONERS IN ATTENDANCE:** Robert Allison, RoAnne Chaney, Andrew Farmer, Connie Fuller, William Gutos , Dohn Hoyle, Yolanda McKinney

**EXCUSED COMMISSIONERS:** Christine Chesny, Linda Ewing, Jon Reardon, Hollis Turnham,

**UNEXCUSED COMMISSIONERS:** William Mania, Marsha Moers, Denise Rabidoux, Reverend Charles Williams II, Toni Wilson

**EX OFFICIO AND OTHERS IN ATTENDANCE:** Mary Ablan, Don Mussen, Michael Head, Sharon Gire

**APPROVAL OF AGENDA SEPTEMBER MINUTES** - No action was taken due to the lack of a quorum.

**REPORT OF CHAIR** – The letter of resignation from Sandra Kilde, effective October 10, 2007 (effective the date of the letter) was read. There were good reviews from the Detroit meeting and the Commission was invited back for a future meeting. Fuller noted that UPCAP and the Consumer Advisory Board would be receptive to hosting a public forum similar to the one in Detroit in the Upper Peninsula in the Spring. Farmer attended a conference in the Traverse City area on the Task Force progress. He will provide notes for distribution.

## **OLTCSS DIRECTOR'S REPORT** - Head provided an update of office activities.

- LTC Connections -
  - The policy that mandates the LTC Connections to conduct the level-of-care determinations for nursing facilities takes effect November 1, 2007. The policy bulletin (MSA 07-45) is available on the DCH web site.
  - The Office is working on finalizing the LTC Connections web site. There will be a link on the DCH/LTC web site.
  - Gutos asked if a person would have an option to remain at home if they use the LTC Connections. Head indicated this would continue to be an option. Farmer will discuss further with Gutos.
- Prepaid LTC Health Plan - The Office is considering an Issues Forum, especially for this project, in the near future.
- DRA/MFP Grant - One enhancement is to expand transition services to all Centers for Independent Living.
- Person-Centered Planning Guidelines - Head is reviewing.
- State Profile - Head distributed the grant abstract. The Office will probably contract with Michigan Public Health Institute to help with the grant. Two goals are: 1) to create a state profile of the existing long-term care picture, and to identify gaps and 2) to assist in creating national benchmarks for re-balancing of long-term care systems.
- Self-Determination in Long-Term Care - It is hoped to expand this opportunity to all MI Choice waiver consumers after April 2008.
- LTC Partnerships - The summary of this project was included in the September meeting handouts.
  - Two issues are currently being addressed: 1) Agent training and 2) Inflation factor - these are requirements of the DRA, but not the Insurance Code.

- There are several subcommittees to work on this policy: Consumer Education, Data Collection, Agent Education, Marketing, Legislation and Regulation, and Estate Recovery.
- An interdepartmental agreement will be required between DHS, DCH, and DLEG (OFIS). It is hoped the qualified policies will be developed and available for sale by July 2008.
- The State Plan amendment is a preprint page that was redrafted by OFIS. It should be submitted to CMS soon.
- There are no “community-only” policies. They all contain some type of percentage of the nursing facility rate as the community allowance. It was noted that the policy holder should have a choice of settings covered by the policy.
- MI Choice services in licensed settings – the Group is compiling its findings and will be issuing a report over the next couple of months. No new money for the MI Choice waiver lowers the potential that Medicaid will support expansion to a new setting. Next step is to build cost models.

**ESTATE RECOVERY** - Curtis Hertel provided a summary of this project. As passed, the bill meets federal requirements that Michigan establish an estate recovery program.

- It only affects those estates that do not go through probate
- The basic policy is to exempt the first 50% of the average home value in the county and any income-producing property.
- Some estates will be exempt due to the remaining residents in the home.
- There is also a “hardship” exemption.
- Legislation contains many consumer protections that limit the department’s ability to collect.

The policy will be implemented after federal (CMS) approval of our estate recovery law as passed.

There was a question regarding a minimum threshold for recovery. The minimum will be if the cost of recovery is more than the recovery itself.

While implementing the new law, it is the department's intent to work with the Legislature on a voluntary estate preservation option.

**MSHDA AFFORDABLE ASSISTED LIVING** - Gary Heidel and J.T. Johnston provided an update. It was their original intent to include MI Choice slots as part of the project. When the slots did not materialize, MSHDA decided to move forward in working with developers and local service providers.

MSHDA, and an interdepartmental group, chose five proposals.

- Upper Peninsula - Community Action Group - 20 units of which 15 are affordable.
- Grand Haven - Senior Housing Developer - this is on the campus of an existing senior housing development.
- Battle Creek – Project has identified a site to start their development on.
- Detroit – 76 units, all affordable. Working with the local Public Housing Authority to obtain Section 8 housing vouchers to assist with rent.
- Grand Rapids - 55 units of which 25 would be affordable. There are 22 Section 8 vouchers. The Area Agency on Aging will work with the developer to identify and assist with individuals who wish to transition from nursing facilities. They will start building this year. They also have a contract with White & White for services.

DYNS has been contracted to provide technical assistance with program development, housing track, services and supports, and data collection and reporting.

\$300 million in gap funding has been identified for this project. Much of it is through the Low Income Housing tax credits (LIHC). Johnston will provide a written summary of her presentation.

Hoyle expressed disappointment with MSHDA's decision to use congregate settings. Hoyle said these proposals were clearly driven by the developers. Head noted that OSA and DCH supported this concept and that this was only a pilot project and would not answer everyone's needs. Farmer indicated that the Task Force recommendation was to look for every opportunity to meet the consumer's choice. It was acknowledged that obtaining the services in these developments would be the challenge. Each developer will work with their Area Agency on Aging, waiver agents, Public Housing Authorities and LTC Connections.

There was a question regarding the use of a person's credit score to obtain housing. MSDHA indicated that was not one of their policies but could be a public housing issue.

The Commission expressed a desire to partner on a broader basis with MSHDA to identify and address issues and barriers.

## **PUBLIC COMMENT -**

- MMAP – Jo Murphy, Executive Director, Medicare & Medicaid Assistance Program (MMAP) - The Senior Health Counseling Program provides free health benefits counseling to elderly persons age 65 and over and persons with disabilities age 18 and over. They are funded by CMS through the Office of Services to the Aging. MMAP stands ready to assist in the implementation of consumer education around the LTCI Partnership. Jo spoke to the need for consumer education in the area of LTC insurance, and suggested that Michigan include a requirement that

information on filing a complaint must be provided with every sale of a LTC insurance policy. Ms. Murphy noted that, in her experiences, few consumers know OFIS exists and that, on at least one occasion, the MMAP Director herself was unable to get OFIS to accept or process a formal complaint.

- AARP - Anita Salustro provided testimony regarding LTC Partnership Insurance. AARP draft standards were presented.

## **CLOSING COMMENTS**

- The policy regarding home help in the workplace has been submitted for public comment. It is scheduled to be issued November 1, 2007, with an effective date of December 1, 2007. CMS approved the State Plan amendment.
- Ablan distributed an Advocacy Alert regarding MI Choice and the budget. Consumers need to become more involved and vocal.